



U.S. Department of Justice

United States Attorney  
Southern District of New York

USDS SDNY

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ELECTRONICALLY FILED

DOC #:

DATE FILED: 2/15/08

The Silvio J. Mollo Building  
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New York, New York 10007

February 12, 2008

BY OVERNIGHT MAIL

Honorable Colleen McMahon  
United States District Judge  
Southern District of New York  
United States Courthouse  
New York, NY 10007

MEMO ENDORSED

Re: United States v. Elia and Elyaho,  
07 Cr. 543 (CM)

Dear Judge McMahon:

This is to advise the court of the status of the above case and to request that the Court set a date for a pretrial conference. As of February 7, 2008 pretrial motions were fully submitted in the above case. At the last pretrial conference, Judge Brieant scheduled argument of the motions for February 14, 2008, and excluded time under the speedy trial act through February 14, 2008.

This is a tax case involving multiple years, individuals and corporations. Accordingly, the records involved in the case are voluminous and in anticipation of a trial Judge Brieant directed the Government to produce a preliminary exhibit list to the defense by March 11, 2008. This Office is working on the exhibit list and we intend to produce a preliminary exhibit list by the scheduled date. In addition, at the last pretrial conference counsel for Elia stated that he was gathering records from numerous third-party vendors and counsel further represented that he needed additional time to obtain such records and to analyze the records that the Government had produced in discovery. It is my understanding that the defendants' attorneys are still reviewing, accumulating and analyzing documents from the Government and other sources.


Accordingly, we respectfully request that Your Honor enter an Order excluding time under the Speedy Trial Act until the date of the next pretrial conference, due to the pendency of motions and in the interests of justice,

2/14/2008  
Time excluded in the  
interest of justice  
to March 28, 2008  
C. Brieant

because the Government is preparing an exhibit list and the defendants' attorneys are analyzing discovery materials and gathering records from outside sources.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

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